

Jury demand date: 11-27-74 (p1tf)

D. C. Form No. 106A Rev.

| TITLE OF CASE  |  |  |  | ATTORNEYS |  |  |  |
|--|--|--|--|-----------|--|--|--|
| JOHN D. TIMMONS,<br><br>vs<br><br>ROYAL-GLOBE INSURANCE COMPANY,<br><br> |  |  |  |           |  |  |  |

| DATE     | PROCEEDINGS   | Date Order or Judgment Noted |
|----------|---|------------------------------|
| 7-26-74  | 1. Complaint, filed.k Summons issued.k  |                              |
| 8-8-74   | Summons, ret. & filed: served Joe B. Hunt, Ins. Commr., 8-2-74. (USM \$4.72)g   |                              |
| 9-16-74  | 2. Appearance of counsel for deft., filed. (Rhodes, Hieronymus, Holloway & Wilson)  |                              |
| 9-16-74  | 3. Deft's applic. for extension of time to answer, filed. hm <i>oto 9</i>   |                              |
| 9-16-74  | 4. Order extending time, filed, ext. time to 10-15-74 to file ans. (JCS-Clk)hm (copies mailed)  |                              |
| 10-15-74 | 5. ANSWER of Deft., Royal Globe Ins. Co., filed.jj  |                              |
| 10-17-74 | MO: Parties are directed to hold a pre trial conference on or before 11-28-74 & to file a PT order on or before 12-5-74. (AEB-J)k copies sent by certified mail   |                              |
| 11-27-74 | 6. Pltf.'s request for <u>JURY TRIAL</u> , filed.k  |                              |
| 12-6-74  | 7. Deft's application for ext. of time to file pre-trial order, filed. hm <i>oto 9</i>  |                              |
| 12-9-74  | 8. Order, filed. granting deft. 30 days from 12-6-74 to file an agreed pretrial order. (AEB-J)g   |                              |
| 1-22-75  | Order, filed, transferring case to Judge H. Dale Cook. (AEB-J)k   |                              |
| 2-25-75  | 9. Plaintiff's proposed pre-trial order, filed. hm  |                              |
| 3-3-75   | 10. Deft's proposed pretrial order, filed. g  |                              |
| 4-8-75   | MO: Case set for PT hearing 4-29-75 at 3:30 p.m. (HDC-J)hm  |                              |
| 4-29-75  | MO: Pre-trial hearing held. Statements made. Parties waive jury as to Causes of Action 1 & 2, and that part of case to be submitted to Court on stip. of fact & briefs. Parties granted 20 days to file stip. & simultaneous briefs; 5 days thereafter to respond. Parties given 30 days to complete discovery on third cause of action, and pltf. to file and prepare PT order within 30 days as to third cause of action. Case to be set for jury trial. (EST-1 day). (HDC-J)hm |                              |
| 5-20-75  | 11. Applic. for ext. of time, filed. hm   |                              |
| 5-20-75  | 12. Order, filed, granting parties until 6-19-75 to submit stipulation of facts and briefs. (HDC-J)hm (copies mailed)   |                              |
| 5-23-75  | 13. Interrogatories to John D. Timmons, filed by Deft. v  |                              |
| 6-12-75  | MO: Case set for jury trial 8-11-75 at 10:00 a.m. (HDC-J)hm   |                              |
| 7-7-75   | MO: Case set for further PT and settlement of PT order 7-14-75 at 10:30 a.m. (HDC-J)hm  |                              |
| 7-7-75   | 14. Deft's REQUEST for admission of facts and REQUEST for admission of documents, filed. lm   |                              |
| 7-14-75  | MO: Case called for further pre-trial and settlement of PT order. Statements made. Pltf. directed to furnish transcript of FAA  |                              |

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|         | hearing and itemized statement of value of equipment in airplane to deft. this date; deft. to respond to pltf. on both questions by 7-16-75. Agreed-to PT order to be filed by 7-18-75. Pltf. to file answers to interrog. by 7-18-75. Case heretofore set for J/T on 8-11-75. Requested instructions & trial briefs to be filed 10 days prior to trial. (HDC-J)hm |                              |
| 7-18-75 | 15 Motion of def. to quash deposition subpoena served on Leo Sterck, filed. rm   |                              |
| 7-18-75 | 16 Memo of def. in support of mo/quash subpoena, filed. rm   |                              |
| 7-18-75 | MO: Upon confession of the pltf. to the mo/quash, the deft's mo/quash deposition subpoena served on Leo Sterck is hereby sustained. (HDC-J)hm  |                              |
| 7-18-75 | 17 Mot. of Pltf. for production of documents for inspection & copying, filed. v  |                              |
| 7-18-75 | 18 Pltf.'s ans. to request for admission of facts and admissions of genuineness of documents, filed. v   |                              |
| 7-21-75 | 19. Pltf's Ans. to Deft's Int., filed.jj   |                              |
| 7-21-75 | 20. Deft's motion for continuance, filed. hm   |                              |
| 7-21-75 | MO: Ordered that pltf. file responsive brief to deft's mo/continuance by 7-28-75. (HDC-J)hm  |                              |
| 7-28-75 | 21. Pltf's objection, and brief in support, to mot. of deft. for continuance of trial, filed.k   |                              |
| 7-29-75 | 22. Order, filed, striking case from jury setting of 8-11-75 and continuing case to next jury docket. (HDC-J)k cps mld   |                              |
| 7-29-75 | 23. Deft's motion to request authorization to release records, filed. hm   |                              |
| 7-29-75 | MO: Ordered that pltf. file response within 10 days to the deft's motion to request authorization to release records. (HDC-J)hm  |                              |
| 7-29-75 | 24. Deft's reponse to request for production of documents, filed. hm   |                              |
| 8-8-75  | 25. Pltf's Response to Motion to Request Authorization to Release Records, filed. lm   |                              |
| 8-11-75 | Depositions of Hyde Clain and Marilyn Stidham taken before Harvey W. Stephens (CSR) on behalf of pltf. Fee pd. by pltf \$36.00. lm   |                              |
| 8-20-75 | 26. Order, filed, directing John D. Timmons to execute authorization to obtain records. (HDC-J)g <i>Michael</i>  |                              |
| 8-21-75 | MO: Case set for jury trial 10-28-75 at 10:00 a.m. (HDC-J)hm   |                              |
| 9-19-75 | 27. Deft.'s Motion to Dismiss for Failure to Comply with Order, filed, with Affidavit of John H. Tucker. k   |                              |
| 9-19-75 | 28. Deft.'s Memorandum in support of Mot. to Dismiss for failure to comply w/ Order, filed.k   |                              |
| 9-22-75 | MO: Pltf. directed to file response to deft's mo/dismiss for failure to comply with order within 10 days. (HDC-J)hm  |                              |

(over)

| DATE     | PROCEEDINGS  | Date Order or Judgment Note |
|----------|--|-----------------------------|
| 10-3-75  | 29. Response to Deft's Motion to Dismiss & Minute of Court, filed by the plaintiff.mm  |                             |
| 10-6-75  | 30. Exhibit to Plaintiff's Response to Defendant's Motion to Dismiss, filed. mm  |                             |
| 10-6-75  | MO: Case set for Disposition at 1:30 PM on Friday, 10-10-75 before H. Dale Cook. cps mld mm  |                             |
| 10-10-75 | Case called for disposition and hearing on deft's mo/dismiss for failure to comply w/order. Parties represented. Statements made. Deft's motion overruled and pltf. given until 10-13-75 to comply w/order of 8-20-75, or Court will dismiss case w/prejudice. Pltf. complies and authorization signed in open court. Case heretofore set for jury trial 10-28-75. (HDC-J)hm |                             |
| 10-17-75 | 31. Notice of Taking Deposition of witnesses Robert and Sally Wilker, filed.jj   |                             |
| 10-17-75 | 32. Notice of Taking Deposition of witness Audie Davis, M.D., filed.jj   |                             |
| 10-17-75 | 33. Notice of Taking Deposition of witness Wm. H. Gossell, filed.jj  |                             |
| 10-23    | Deposition of Wm. H. Gossell, filed. g   |                             |
| 10-23    | 34. Deft's requested voir dire and requested instructions, filed. hm   |                             |
| 10-23    | 35. Deft's motion for S/J, filed. hm   |                             |
| 10-23    | 36. Deft's memorandum statement of fact and question for decision, filed.hm  |                             |
| 10-23    | 37. Obj. to Taking of Deposition, filed.jj <i>obj. to being in deap</i>  |                             |
| 10-24    | 38. Brief Authority in support of Obj. to Taking of Deposition, filed.jj   |                             |
| 10-24    | Deposition of Dr. Audie W. Davis on behalf of deft., filed. (\$145.00)g  |                             |
| 10-24    | Deposition of Eugene R. Geyer on behalf of pltf (unsealed), filed.g  |                             |
| 10-24    | 39. Plaintiff's trial brief, filed. hm   |                             |
| 10-28    | Deposition of Sally M. Wilker taken on behalf of deft on 10-23-75 before Keith Worsham (CSR), filed. (\$95.00)lm   |                             |
| 10-28    | Deposition of Robert A. Wilker taken on behalf of deft. on 10-23-75 before Keith Worsham (CSR), filed (\$51.00)lm  |                             |
| 10-28    | 40. Response of pltf. to def. mo/SJ, filed. rm   |                             |
| 10-28    | MO: Case called for jury trial. Parties present and announce ready. In conference in chambers, deft's motion for S/J overruled and Court states there was proper insurance coverage. Pltf. moves to dismiss without prejudice as to Ct. 1, and Court sustains motion. Pltf. to prepare proper journal entry. (HDC-J)hm   |                             |
| 10-30    | Reporter's Transcript of Proceedings had on 10-28-75, filed. lm (Orig. & Clk's cpy)  |                             |
| 11-24    | MO: Ordered by the Court that the plaintiff is given until November 28, 1975 to submit its Journal Entry of Judgment. (HDC-J)hm  |                             |
| 1-13-76  | 41. Memorandum opinion, filed. (HDC-J)hm (copies mailed)   |                             |
| 1-13     | 42. Judgment, filed and entered, that pltf. be awarded the sum of  |                             |

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|         | \$20,000.00, plus costs and interest as to first cause of action; that pltf. be awarded the specific performance requested as to second cause of action; and that third cause of action be dismissed without prejudice. (HDC-J)hm (copies mailed)  |                              |
| 2-6-76  | 43. Appl. of def. for ct. to set supersedeas bond, filed. rm   |                              |
| 2-9     | 44. Order, filed, that the supersedeas bond is set in the amount of \$25,000.00. (HDC-J)v -cps. mld.   |                              |
| 2-11    | 45. Notice of appeal by defs. from judg. of 1/13/76, filed. rm (copies to pltf. and USCA)  |                              |
| 2-17    | 46. Supersedeas Bond, filed.jj   |                              |
| 3-16    | Original record on appeal (8 vols.) transmitted to USCA. rm  |                              |
| 3-30    | 47. Bill of Costs, filed by Pltf. Hrg. set for 4-5-76 at 10:30 a.m. (JCS-CC)v -cps mld   |                              |
| 4-2     | 48. Response in opposition to request for taxing costs, filed. v   |                              |
| 4-2     | 49. Brief in support of response in opposition to request for taxing costs, fld.v  |                              |
| 4-5     | Minute: Cost hearing held before Clerk. Parties rep. by counsel of record. Clerk sustains defs. opposition to request for taxation of costs as bill of costs was filed out of time. The validity of pltf. bill of costs was not considered; all pursuant to Local Rule 7, and Woods Construction v. Atlas Chemical, No. 7735, U. S. Court of Appeals, 10th Circuit. Plaintiff's exception noted and allowed. (JCS-Clk)rm |                              |
| 4-7     | 50. Motion of plaintiff for rehearing, re disallowance of costs, filed. rm   |                              |
| 4-7     | MO: Ordered by the Court that defs. are granted 10 days in which to respond to pltf. mo/rehearing re costs.(HDC-J)rm-letter  |                              |
| 4-15    | 51. Deft's brief in response to mo/rehearing, filed. ph  |                              |
| 4-23    | 52. Ordered by the Court that Pltf's mo/rehearing is overruled. (HDC-J)ph cps mld  |                              |
| 5-24    | 53. Release and satisfaction of judgment in full by pltf., filed.rm  |                              |
| 6-1-76  | 54. Certified copy of Order of Dismissal from 10th Circuit, filed and spread of record, that upon stipulation of parties, appeal is dismissed, pursuant to Rule 42(b), FRAP. rm  |                              |
| 6-17-76 | Original record on appeal (8 vols) received from USCA. rm  |                              |

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